

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY  
WEDNESDAY, MARCH 25, 2009

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by guest chaplain, Pastor Gary Moore.

The Pledge of Allegiance was led by Taleesha Willie, Page.

### Approval of Journal

March 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

March 24, 2009

Mr. Speaker:

I return herewith enrolled [H 99](#), [H 100](#), [H 121](#), and [H 119](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 99](#), [H 100](#), [H 121](#), and [H 119](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 24, 2009

Mr. Speaker:

I return herewith [H 127](#), [H 41](#), [H 75](#), and [H 192](#) which have passed the Senate.

WOOD, Secretary

[H 127](#), [H 41](#), [H 75](#), and [H 192](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

March 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 198](#), [H 216](#), [H 244](#), and [H 240](#).

CLARK, Chairman

March 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 10](#), [H 105](#), [H 55](#), [H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), [H 109](#), [H 193](#), [H 154](#), as amended, [H 107](#), [H 179](#), [H 184](#), [H 101](#), [H 125](#), [H 126](#), [H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate.

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 10](#), [H 105](#), [H 55](#), [H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), [H 109](#), [H 193](#), [H 154](#), as amended, [H 107](#), [H 179](#), [H 184](#), [H 101](#), [H 125](#), [H 126](#), [H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 198](#), as amended, [H 216](#), as amended, [H 244](#), as amended, and [H 240](#), as amended.

CLARK, Chairman

[H 198](#), as amended, [H 216](#), as amended, [H 244](#), as amended, and [H 240](#), as amended, were filed for first reading of engrossed bills.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 57](#), [H 78](#), [H 40](#), [H 137](#), [H 59](#), and [H 60](#) to the Governor at 1:30 p.m., as of this date, March 24, 2009.

CLARK, Chairman

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1123](#) and [S 1011](#) and recommend that they do pass.

LOERTSCHER, Chairman

[S 1123](#) and [S 1011](#) were filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 251](#) and recommend that it do pass.

NONINI, Chairman

[H 251](#) was filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 253](#) and [H 257](#) and recommend that they do pass.

LAKE, Chairman

[H 253](#) and [H 257](#) were filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [SCR 109](#) and recommend that it do pass.

TRAIL, Chairman

[SCR 109](#) was filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [S 1132](#) and recommend that it do pass.

RAYBOULD, Chairman

[S 1132](#) was filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 260](#), [S 1129](#), and [S 1108](#), as amended, and recommend that they do pass.

BLOCK, Chairman

[H 260](#), [S 1129](#), and [S 1108](#), as amended, were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 264 BY WAYS AND MEANS COMMITTEE AN ACT**

RELATING TO WATER; TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD HAS PREPARED AND ADOPTED THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE PLAIN AQUIFER AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS APPROVED AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT STATE AGENCIES SHALL EXERCISE DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT TO THE LEGISLATURE FOR APPROVAL A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT, WITH THE ASSISTANCE OF THE IMPLEMENTATION COMMITTEE,

ANY SUBSEQUENT PROPOSED CHANGES TO THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE CRITERIA FOR IMPLEMENTATION PLANS, TO PROVIDE THAT IMPLEMENTATION OF PHASE I OF THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS SUBJECT TO LEGISLATIVE APPROVAL OF A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT PROVISIONS DO NOT CONSTITUTE AN OBLIGATION OF STATE FUNDS, TO PROVIDE THAT ANY STATE FUNDING SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDS, TO PROVIDE FOR THE USE OF PREVIOUSLY APPROPRIATED FUNDS, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN RECOGNIZES INCIDENTAL GROUND WATER RECHARGE IS AN IMPORTANT COMPONENT OF THE EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY AND TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN SHALL INCLUDE SPECIFIED MEASURES; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 265 BY WAYS AND MEANS COMMITTEE AN ACT**

RELATING TO THE LEGISLATIVE SERVICES OFFICE; AMENDING SECTION 67-704, IDAHO CODE, AS ENACTED BY SECTION 11, SENATE BILL NO. 1043, FIRST REGULAR SESSION, SIXTIETH IDAHO LEGISLATURE, TO REVISE DUTIES OF THE RESEARCH AND LEGISLATION FUNCTION OF THE LEGISLATIVE SERVICES OFFICE.

#### **HOUSE BILL NO. 266 BY WAYS AND MEANS COMMITTEE AN ACT**

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2010; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2010, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

#### **HOUSE BILL NO. 267 BY REVENUE AND TAXATION COMMITTEE AN ACT**

RELATING TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE ACT; AMENDING SECTION 39-7102, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND PURPOSES; AMENDING SECTION 39-7103, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-7104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MILITARY DIVISION'S POWERS AND DUTIES; AMENDING SECTION 39-7109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REIMBURSEMENT OF CERTAIN COSTS; AMENDING SECTION 39-7111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIABILITY

FOR THE RELEASE OF A HAZARDOUS SUBSTANCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-7112, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RECOVERABLE COSTS AND CIVIL REMEDIES.

[H 264](#), [H 265](#), [H 266](#), and [H 267](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### First Reading of Engrossed Bills

[H 198](#), as amended, [H 216](#), as amended, and [H 240](#), as amended, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

[H 244](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

#### Second Reading of Bills and Joint Resolutions

[H 261](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 262](#), by Education Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Fifth Order of Business.

#### Report of Standing Committees

March 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 264](#).

CLARK, Chairman

[H 264](#) was referred to the Resources and Conservation Committee.

There being no objection, the House advanced to the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

Mrs. Block asked unanimous consent that [S 1129](#) be returned to the Health and Welfare Committee. There being no objection, it was so ordered.

Mr. Nonini asked unanimous consent that [S 1121](#) be placed on General Orders for consideration. There being no objection it was so ordered.

[H 245](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin and Mr. Durst to open debate.

The question being, "Shall [H 245](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 59.

NAYS – Barrett, Bedke, Bell, Clark, Hart, Loertscher, Mathews, Moyle, Patrick, Wood(35). Total – 10.

Absent and excused – McGeachin. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 245](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 249](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon and Mr. Henderson to open debate.

Mr. Clark moved that [H 249](#) be placed on General Orders for consideration. Seconded by Mr. Saylor.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and [H 249](#) was placed on General Orders for consideration.

[H 256](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

Mr. Rusche asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 256](#). There being no objection it was so ordered.

Mr. Moyle moved that the House recess until 1:30 p.m. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS  
Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

[H 256](#), having previously been read the third time at length, was placed before the House for consideration.

The question being, "Shall [H 256](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 50.

NAYS – Bayer, Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Luker, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Smith(30), Trail. Total – 20.

Total – 70.

Whereupon the Speaker declared that [H 256](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HJM 7](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [HJM 7](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jarvis, Killen, King, Labrador, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barrett, Clark, Eskridge, Hart, Lake, Loertscher, Ringo, Schaefer, Shepherd(08), Takasugi, Trail. Total – 11.

Absent and excused – Jaquet, Kren, Nonini. Total – 3.

Total – 70.

Whereupon the Speaker declared [HJM 7](#) adopted and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 26, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:37 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk